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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,249	01/12/2001	Oscar Pagani	2001-0502	9157

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EXAMINER	
KLINGER, SCOTT M	

ART UNIT	PAPER NUMBER
2153	9

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/758,249	PAGANI ET AL.
	Examiner	Art Unit
	Scott M. Klinger	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *28 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 15-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 15-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-12 and 15-21 are pending.

Claims 1-11 and 15-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Rajakarunanayake.

Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Vasamsetti.

Response to Applicant

Rajakarunanayke does not disclose that post-configuration data (e.g, from a configuration unit) is synchronized with pre-configuration data stored in a central database, in order to ensure that information concerning a service provider's CPEs is up to date and accurate.

The system of Rajakarunanayake uses the database configuration information to configure the CPE thereby synchronizing the database's configuration data with the configuration data of the CPE: *"Parser 320 receives data from receive block 310, and parses the data to determine the action to be performed with the received data. If the data relates to configuration, parser 320 stores the data in database 340 using database interface 324. Database 340 is an example of a non-volatile storage. Parser 320 and database 340 may be implemented in a known way. Database 340 can be implemented using one of several databases available in the marketplace."* (Rajakarunanayake, col. 7, lines 20-27)

The Examiner's attention is directed to the fact that Vasamsetti fails to disclose a location of the DHCP server ... In particular, Vasamsetti does not disclose that configuration data may be obtained over a communication line coupled to a

DSLAM that includes a DHCP server. By contrast, Vasamsetti teaches no particular location for a DHCP server.

Vasamsetti teaches that the PPP server supplies the IP address: *"The CPE then requests an Internet Protocol ("IP") address from the PPP server at step 206. In response, the PPP server assigns a temporary IP address to the CPE"* (Vasamsetti, col. 6, lines 14-17). Vasamsetti also teaches the IP address can be obtained using DHCP: *"the assignment of the temporary IP address can be obtained using dynamic host configuration protocol ("DHCP")."* (Vasamsetti, col. 6, lines 33-35). This means that the PPP server acts as a DHCP server.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 and 15-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Rajakarunanayake et al. (U.S. Patent Number 6,463,528, hereinafter "Rajakarunanayake"). Rajakarunanayake discloses a method and apparatus for simplifying the configuration of several models of customer premises equipment.

In referring to claims 1 and 15, Rajakarunanayake shows,

- Providing a mobile computer:

"In an embodiment, a designer may store the necessary routines on central system 160, which can be downloaded to a note book (lap-top) computer system used for portable system 180." (Rajakarunanayake, col. 5, lines 29-32)

See Figure 1, element 180

- Said mobile computer having a first interface allowing a user to enter identification and configuration information:

  Figures 4A, 4B, and Figure 3, element 330, show the user interface

- Said mobile computer having a second interface for communication with the customer premises equipment (CPE); said mobile computer automatically configures the CPE through second interface using said configuration information:

  "In step 270, a person connects portable system 180 (with the downloaded information) using physical interface 182-A, and causes portable system 180 to generate the necessary commands to configure CPE 120-A." (Rajakarunanayake, col. 6, lines 34-37)

  See Figure 1, element 182-A

- Synchronizing configuration data applied to said customer premises equipment from the mobile computer with previous configuration data stored in a database:

  "Parser 320 receives data from receive block 310, and parses the data to determine the action to be performed with the received data. If the data relates to configuration, parser 320 stores the data in database 340 using database interface 324. Database 340 is an example of a non-volatile storage. Parser 320 and database 340 may be implemented in a known way. Database 340 can be implemented using one of several databases available in the marketplace." (Rajakarunanayake, col. 7, lines 20-27)

  The system of Rajakarunanayake uses the database configuration information to configure the CPE thereby synchronizing the database's configuration data with the configuration data of the CPE

In referring to claims 2 and 16, Rajakarunanayake shows,

- The configuration data includes Wide Area Network (WAN) Internet Protocol (IP) data:

  A system that automatically configures CPE to communicate with a WAN inherently implies that the WAN IP data is included in the configuration data, as the WAN IP data is necessary for said communication.

In referring to claims 3 and 17, Rajakarunanayake shows,

- The configuration data includes a Local Area Network (LAN) IP data:

  Appendix A discloses an example of a routine that might be run to configure and test the CPE, which includes checking the LAN IP address

  "Check LAN IP Address" (Rajakarunanayake, col. 13, line 26)

  A system that automatically configures CPE to communicate with a LAN inherently implies that the LAN IP data is included in the configuration data, as the LAN IP data is necessary for said communication.

In referring to claims 4 and 18, Rajakarunanayake shows,

- WAN IP data includes an ISP router WAN IP address:

  "The present invention relates to customer premise equipment (CPE) such as internet protocol routers and bridges, and more specifically to a method and apparatus for simplifying the configuration of several models of CPEs." (Rajakarunanayake, col. 13, line 26)

  If the CPE is an ISP router then the WAN IP address is an ISP router WAN IP address

In referring to claims 5 and 19, Rajakarunanayake shows,

- The WAN IP data further includes a WAN IP CPE address:

A system that automatically configures CPE to communicate with a WAN inherently implies that the WAN IP CPE address is included in the configuration data, as the WAN IP CPE address is necessary for said communication.

In referring to claims 6 and 20, Rajakarunanayake shows,

- The WAN IP data further includes a WAN Subnet Mask:

  A system that automatically configures CPE to communicate with a WAN inherently implies that the WAN Subnet Mask is included in the configuration data, as the WAN Subnet mask is necessary for said communication.

In referring to claims 7 and 21, Rajakarunanayake shows,

- The WAN IP data further includes DLCI data:

  Appendix A discloses an example of a routine that might be run to configure and test the CPE, which includes using checking Point-to-Point Protocol (PPP) connectivity

  "Check PPP Connectivity" (Rajakarunanayake, col. 13, line 43)

  In a system that configures CPE and then checks PPP activity, a Data Link Connection Identifier (DLCI) is inherently implied, as the DLCI identifies unique Point-to-Point connections.

In referring to claim 8, Rajakarunanayake shows,

- Coupling the customer premises equipment to a communications network:

  "FIG. 1 is a block diagram of an example telecommunication system 100 in which the present invention can be implemented. Telecommunication system 100 may contain many user systems 110-A through 110-D connected to provider network 150 by CPEs 120-A through 120-D respectively. Each of the four CPEs is connected to provider network 150 by a respective one of the links 125-A through 125-D." (Rajakarunanayake, col. 4, lines 11-18)

  See Figure 1, element 125-A

- Issuing a ping command for execution by the customer premises equipment through the second interface:
  Appendix A discloses an example of a routine that might be run to configure and test the CPE, which includes using a ping command
  "Ping Remote Address" (Rajakarunanayake, col. 16, line 10)

In referring to claim 9, Rajakarunanayake shows,

- Downloading the configuration data to the mobile computer from a remote server:
  "In step 260, an installer (typically an employee or contractor of the service provider) retrieves the installation information (including configuration information) from central system 160 using connection 168. The connection can be out-of-band connection as shown in FIG. 1 or provided within provider network 150" (Rajakarunanayake, col. 6, lines 22-27)
  See Figure 1, element 180, 168, and 160

In referring to claim 10, Rajakarunanayake shows,

- The downloading is performed based on an order number:
  "The installer may then select the appropriate work order by operating selection mechanism 420. The Install Work Order (IWO), time, customer name, user or client name, the name of assigned installer, the CPE type (or model), and mode (whether the CPE is a bridge or a router, the routing/bridging protocol to be used) are displayed for the selected work order" (Rajakarunanayake, col. 7, lines 52-58)
  See Figure 4A

In referring to claim 11, Rajakarunanayake shows,

- Uploading configuration results to the remote server:
  "By using the diagnostics tab, an installer may select the diagnostics tab to run diagnostics before completion of an installation. The upload option may be used

to send status or log information to central system 160. The status information may indicate the completion of a work order. The log information generally includes the data output by CPE 120-A during configuration such that a more experienced technical person can assist an installer with any encountered problem" (Rajakarunanayake, col. 8, lines 11-19)

Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Vasamsetti et al. (U.S. Patent Number 6,584,074, hereinafter "Vasamsetti"). Vasamsetti discloses System and method for remote configuration and management of customer premise equipment over ATM.

In referring to claim 12, Vasamsetti shows,

- Receiving a discover packet from CPE over a communications line:
  "By creating the temporary management PVC and assigning a temporary IP address to the CPE, a layer 3 or IP connectivity is established between the CPE at the remote client premise and the PPP server at the NOC. In other words, a static route is created between the CPE and the PPP server over the management PVC. The layer 3 connectivity can then be used to remotely configure and manage the CPE. Also, the assignment of the temporary IP address can be obtained using dynamic host configuration protocol ("DHCP")." (Vasamsetti, col. 6, lines 25-35)
  The use of DHCP inherently implies the receiving of a discover packet from CPE
- Transmitting WAN IP data over the communications line to the CPE; Retrieving LAN IP data based on an address of the communication line; Transmitting the LAN IP data over the communications line to the CPE; The CPE is configured based on the received WAN IP and LAN IP data:
  The DHCP process transmits the IP addresses over the communication line
- The communications line is coupled to a DSLAM:
  Figure 1, element 122 shows the DSLAM

- The DSLAM includes a DHCP server for determining the WAN IP data:
  "Also, the assignment of the temporary IP address can be obtained using dynamic host configuration protocol ("DHCP")." (Vasamsetti, col. 6, lines 33-35)
  The use of DHCP inherently implies a DHCP server **160**

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Klinger whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott M. Klinger
Examiner
Art Unit 2153

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